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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/335,189	06/17/1999	HIROYUKI YUYAMA	120/P-4864	6183

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WENDEROTH LIND AND PONACK LLP
2033 K STREET NW SUITE 800
WASHINGTON, DC 20006

EXAMINER

MORGAN, ROBERT W

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 06/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/335,189

Applicant(s)

YUYAMA ET AL.

Examiner

Robert W. Morgan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 5/21/03 has been entered.

Response to Amendment

2. This communication is in response to the Preliminary Amendment filed 5/21/03 in paper number 20, the following has occurred: Claim 26 has been amended and claims 13-25 have been canceled. Now claims 26-31 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 26-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,847,764 to Halvorson and U.S. Patent No. 5,537,626 to Kraslavsky et al.

As per claim 26, Halvorson teaches the claimed drug preparation order system for use with a drug preparation order sheet, said system comprising:

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--the claimed control unit for carrying out logic operations and outputting control signals is met by the computer (10, Fig. 1);

--the claimed display device connected to said control unit is met (32, Fig. 1); and

--the claimed plurality of printers connected to said control unit is met by all the printers (21, Fig. 1) connected to the computer (10, Fig. 1),

said control unit comprising:

--the claimed memory for storing a plurality of printer codes each corresponding to one of said plurality of printers, a plurality of drug type codes, and a printer setting file defining a correlation between the drug type codes and the printer codes is met by the computer (10, Fig. 1) including data storage which stores long and short term data with regards to the patient's medication and the one or more printers with printer setting in strategic location to provide reports of patient's medication (see: column 2, lines 67 to column 3, lines 12 and 23-27). In addition, Halvorson teach a system database which includes information about the patient's name and code as well as drug code, taking directions and dosage of all medication for example, the Examiner interprets "sleeve id code" and "quantity of doses of a drug in the sleeve" as a form of drug type code, since Halvorson clearly teaches that different sleeves have different quantity of drug and colored difficult (see: column 9, lines 42-45, 54-55, column 10, line 54 and Fig. 8),

--the claimed input device through which external data can be entered into said memory, said external data comprising a plurality of sets of data, each set comprising drug data, correlating means for correlating each of the plurality of sets of data with one of the drug type codes is met by the keyboard (20, Fig. 1) which allows the user to input drug information (see:

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column 3, lines 5-12); (note that the "sleeve id code" and "quantity of doses of a drug in the sleeve" of Fig. 9 and 10 are considered by the Examiner to be a form of "drug type data").

--the claimed printer activating means for, in response to a command to print one of the plurality of sets of data, activating one of said printers that corresponds to one of the printer codes corresponding, in accordance with said printer setting file, to one of said drug type codes;

--the claimed display means for displaying said correlation between the drug type codes and the printer codes on said display device is met by the monitor (30, Fig. 1) at the dispenser (32, Fig. 1), which displays inputted patient drug information (see: column 3, lines 28-34 and Fig. 1); and

--the claimed altering means for altering said correlation in response to a signal entered through said input device is met by the keyboard (20, Fig. 1) which allows the user to input drug information (see: column 3, lines 5-12).

Halvorson teaches a record for each patient order that indicates the type of issuing package, such as unit dose, multi-dose, or bulk which is a form of drug type or structured correlation to drug preparation data (see: column 10, lines 1-4 and 21-item number 17). In addition, Halvorson teaches a system database which includes information about the patient's name and code as well as drug code, taking directions and dosage of all medication (see: column 9, lines 42-45, 5455 and column 10, line 54). Moreover, Halvorson teach one or more printers with printer setting in strategic location to provide reports of patient's medication (see: column 2, lines 67 to column 3, lines 12 and 23-27).

Halvorson fails to teach:

--the claimed a printer setting file defining a correlation between the drug type codes and the printer codes.

Kraslavsky et al. teaches the using a computer with printing software called Novell NetWare® that allows the user to control (modify) the printer's functions that include creating a new print server and print queues, configuring printing ports (reads on "correlation data to printer codes") and starting or stopping printer (see: column 12, lines 6-13).

Although Kraslavsky et al. does not use the print software in the medical field it would have been an obvious modification to incorporate this software in the medical system taught by Halvorson for a person having ordinary skill in the art at the time of the invention with the motivation of enabling remote printers to be effective and intelligent members of a network (see: Kraslavsky et al. column 1, lines 5-16), thereby enabling printed patient's prescription information to be given out in a timely and more efficient manner.

As per claim 27, Halvorson teaches the claimed first type of communicator connected to said control unit, said first type of communicator being operable to transmit drug preparation order data provided by said control unit is met by dispenser (32, Fig. 1) which receives patient drug data from the central computer (10, Fig. 1) (see: column 3, lines 47-51),

--the claimed plurality of trays, each having a second type of communicator, said plurality of trays and said control unit being combined as a system are met by the plurality of dispenser (32, Fig. 2) including communication interface in the form of computer monitor, keyboard, and printer as seen in Figure 2,

--the claimed said second type of communicators is operable to communicate with said first type of communicator is met by plurality of dispenser (32, Fig. 1) that communicates the central computer (10, Fig. 1) (see: column 3, lines 27-33),

--the claimed said trays has a display portion is met by the dispenser (32, Fig. 1) which has a monitor and trays which hold the drugs (see: Fig. 2), and

--the claimed display portions are operable to display the drug data is met by the monitor (30, Fig. 1) at dispenser (32, Fig. 1) that displays the patient's inputted drug information (see: column 3, lines 28-34 and Fig. 1).

As per claim 28, Halvorson teaches the claimed printers are operable to print on a drug preparation order sheet, information indicating whether drugs have been put into one of said plurality of trays is met (see: column 3, lines 51-53),

--the claimed control unit is operable to transmit identification information to said trays when drug data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which communicates the central computer (10, Fig. 1) the received inputted drug data (see: column 3, lines 27-33), and

--the claimed control unit is operable to transmit information on whether guidance is necessary when drug data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which then is evaluated by the computer (10, Fig. 1) to made a scheduling prescription (see: column 4, lines 56-63).

As per claim 29, Halvorson teaches the claimed control unit is operable to transmit identification information to said trays when drug data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which

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then is evaluated by the computer (10, Fig. 1) to made a scheduling prescription (see: column 4, lines 56-63), and

--the claimed control unit is operable to transmit information on whether guidance is necessary when drug data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which then is evaluated by the computer (10, Fig. 1) to made a scheduling prescription (see: column 4, lines 56-63).

As per claim 30, Halvorson teaches the claimed control unit is operable to transmit information on whether guidance is necessary when drug data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which then is evaluated by the computer (10, Fig. 1) to made a scheduling prescription (see: column 4, lines 56-63).

As per claim 31, Halvorson teaches the claimed putting drugs into said plurality of trays according to drug types and a number of days for which the drugs are to be prescribed, the drugs can be assigned to said plurality of trays is met (see: column 3, lines 47-63),

--the claimed printers are operable to print on a drug preparation order sheet, information indicating whether drugs have been put into a plurality of trays is met (see: column 3, lines 51-53),

--the claimed control unit is operable to transmit identification information to said trays, when drug data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which communicates the central computer (10, Fig. 1) the received inputted drug data (see: column 3, lines 27-33), and

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--the claimed control unit is operable to transmit information on whether guidance is necessary, when drug data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which then is evaluated by the computer (10, Fig. 1) to make a scheduling prescription (see: column 4, lines 56-63).

Response to Arguments

5. Applicant's arguments filed 5/21/03 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 5/21/03.

(A) In response to the Applicant's arguments, it is respectfully submitted that the Examiner has not applied prior art to the added features of amended claim 26 at the present time. As such, Applicant's remarks with regard to the application of Halvorson and/or Kraslavsky et al. to the amended claim is addressed in the above Office Action.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

In related art (New Generation of Printers Facilitates RX Operations) Racher Press Inc. teaches MarkVision a printer management device used with stand alone and network users that can validate or change printer settings.

In related art (Network management. (Markvision printer support software) (Software) (Evaluation)) Venetis discloses MarkVision a printer management device that allows the user to make sure various printers are operating properly and manages print jobs at the file server

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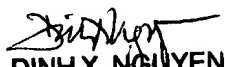
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is (703) 605-4441.

The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703) 305-9588. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

RWM
rwm
June 20, 2003


DINH X. NGUYEN
PRIMARY EXAMINER